

**MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY**

April 28, 2006

**AMERITEL INN
BOISE, IDAHO**

Chairman Dwayne Sheffler called the meeting to order at 9:00 a.m. In attendance were Board members Kitty Gurnsey; Frank Casabonne R.Ph.; Mike Merrill R.Ph.; Richard Jones, R.Ph. Also in attendance were Richard Markuson, Executive Director; Kent Nelson, Deputy Attorney General; Cheri Bush, Deputy Attorney General; Fred Collings, Senior Investigator and Jan Atkinson, Senior Compliance Officer.

Kitty Gurnsey motioned to approve the minutes of the previous meeting as written. Mike Merrill seconded the motion. Motion unanimously carried.

Jan Atkinson, Senior Compliance Officer introduced the IRIS automated inspection system that was debuted in San Francisco earlier this month. The pharmacy inspection application is functional and another seven applications are scheduled to be added to the handhelds in June. Testing is still required to allow secure remote downloads by the inspectors in East and North Idaho. The final applications should provide the inspectors with a faster and more accurate method of completing their inspections and for verifying licenses and registrations in the field.

Regarding citation # 1312 issued to pharmacist Robert N. Miller; after a lengthy discussion Mike Merrill made a motion to issue Mr. Miller a letter of reprimand admonishing him about the rules for advertising prescription medication and advising him to refrain from handing out any advertising information to physicians. Mr. Merrill also recommended that no fine be imposed in this matter. Kitty Gurnsey seconded the motion. Motion unanimously carried.

Regarding citation # 1295 issued to pharmacy technician Liberty Huggins; due to the serious nature of the violations and following further discussion by Deputy Attorney General Cheri Bush, Richard Jones motioned to have Board staff to draw up a formal complaint against Ms. Huggins to further address the matters before them. Mike Merrill seconded the motion. Motion unanimously carried.

In the matter of the proposed Stipulation and Order for John L. Stoune M.D.; Mike Merrill made a motion to accept the Stipulation and Order as written. Motion seconded by Kitty Gurnsey. Motion unanimously carried.

In the matter of the Voluntary Surrender by pharmacy technician Lee Allen Smith, Mike Merrill made a motion to revoke his technician registration. Frank Casabonne seconded the motion. Motion unanimously carried.

In the matter of the Default Order by pharmacy technician Kathleen K. McGee, Kitty Gurnsey made a motion to revoke her technician registration. Mike Merrill seconded the motion. Motion unanimously carried.

In the matter of the Voluntary Surrender by pharmacist Mark Sulik and the proposed Order, Mike Merrill made a motion to revoke his pharmacist license. Richard Jones seconded the motion. Motion unanimously carried.

Richard Markuson reviewed the proposed telepharmacy pilot program between Ontario Pharmacy in Oregon and the Council Medical Clinic. The pilot program would be based on need and a determined on a case-by-case basis. The Board directed Mr. Markuson and Kent Nelson to draft temporary rules comparable to Oregon's Remote Dispensing rules that were reviewed.

In the matter of pharmacist Sheila Orton and her petition to the Board for an early release from her probationary period, Mike Merrill made a motion to release Ms. Orton from her probationary period with the reinstatement to take place only after the total fine amount has been paid. Richard Jones seconded the motion. Motion unanimously carried.

Richard Markuson reviewed legislation and rules that were passed which included HB 530 on retail sales of pseudoephedrine; HB 611 revising provisions applicable to the validity of prescription drug orders; HB 613 a technical correction for a common drug name; HB 614 regarding a format for disclosure of prescription tracking information and SB 1412 permitting prescription drug orders to be sent by facsimile from a health care facility to the pharmacy under specified circumstances. Rule 188 on product selection passed sine die and Mr. Markuson reviewed the directive from H & W Committee to do a temporary rule on the positive ID issue affecting rules 463 & 464.

Regarding the proposal by pharmacist Jason Golonka for a rule for a dress code distinction between pharmacists and technicians, Mike Merrill made a motion to notify Mr. Golonka that after consideration of the matter the Board members declined to pursue this matter and as a practice suggestion it should be undertaken by the associations. Richard Jones seconded the motion. Motion unanimously carried.

The Board directed Mr. Markuson and Mr. Nelson to work on draft language for the temporary rule to address positive ID in order for pharmacies to be able to provide Mr. Collings or board inspectors with the identification and signature of the person picking up a controlled substance prescription. The pharmacies business records must tie the controlled substance prescription with a positive identification.

To protect against the possibility of an individual having their technician registration revoked and returning to work in the pharmacy as a clerk, Jan Atkinson requested the Board review the current system of allowing clerks in the pharmacy and register everyone behind the counter. In further discussion the Board also recommended the technicians be at least 16 years old. Berkley Fraser, representing ISPA and Fred Meyers, proposed the Board consider doing

away with the technician ratio and mandate that the Board register everyone behind the pharmacy counter.

Fred Collings presented information to the board on one armed robbery of a pharmacy and a number of burglaries that have occurred recently. As a deterrent Mr. Collings suggested the board may wish to consider requiring all pharmacies install alarm systems.

Future meetings: Board meeting date of June 8, 2006 in Coeur d' Alene was cancelled and rescheduled for August 11, 2006 to be held in Boise. Frank Casabonne, Dwayne Sheffler and Richard Markuson will attend the ISPA Tri-State Meeting in Coeur d' Alene.

Frank Casabonne motioned to adjourn the meeting. Mike Merrill seconded the motion. Meeting adjourned at 5:15 p.m.